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PART – I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION HARYANA

NIRVACHAN SADAN, PLOT NO. 2, SECTOR 17, PANCHKULA

Order

The 25th July, 2019

No. SEC/3ME/2019/1572.— The General Election of Municipal Corporation, Hisar was held on 16.12.2018 and the result of the elected candidates was declared on 19.12.2018.

2. Section 8B of the Haryana Municipal Corporation Act, 1994, every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. Section 8E of the Haryana Municipal Corporation Act, 1994 further provides that if the State Election Commission is satisfied that a person has failed to lodge an account of election expenses within the time and manner, as prescribed by the State Election Commission and has no reason or justification thereof, the State Election Commission shall, by order published in the Official Gazette, declare him to be disqualified for contesting an election for a period of five years from the date of the order under this Act.

4. In pursuance of the above provisions, the State Election Commission, Haryana *vide* its notification No. SEC 3ME/2017/879 dated 18.05.2017 and notification No. SEC/3ME/2018/5582. dated 14.11.2018. In exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 8B of the Haryana Municipal Corporation Act, 1994 had prescribed the limit of expenditure of Rs. 5,00,000 for the member and Rs. 20,00,000/- for the Mayor that may be incurred by the contesting candidate on authorized agent in connection with election of Municipal Corporation, Hisar and account of election expenses shall be filed/lodged with the Deputy

Commissioner or any other officer of prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. The State Election Commissioner, Haryana in exercise of powers contained under Section 9 (1A) of the Haryana Municipal Corporation Act, 1994 authorized Assistant State Election Commissioner, Haryana vide order No. SEC/1ME/2017/2017, dated 01.12.2017 and further modified vide order No. SEC/1ME/2018/842, dated 28.02.2018 to decide the cases of disqualification of the candidates, who failed to lodge their account of election expenses.

6. As reported by the Deputy Commissioner, Hisar, Sh. Nihal Singh had contested the election for Mayor of Municipal Corporation, Hisar during the general election held on 16.12.2018 but failed to submit his election expenditure account within the prescribed time or thereafter. The Commission had served a show cause notice upon him to explain as to why he should not be disqualified on account of non submission of election expenditure account within the period. He had not responded to the show cause notice. I, had given him personal hearing on 21.06.2019 in the PWD Rest House, Hisar. Sh. Suresh Gupta, ME, Municipal Corporation, Hisar was present who has submitted a copy of letter dated 07.06.2019 issued by the Superintendent, Municipal Commissioner, Hisar to Sh. Nihal Singh. It has been observed notice of personal hearing has been delivered in person.

7. During personal hearing, Sh. Nihal Singh appeared for personal hearing and submitted that he has already submitted his election expenditure statement in the office of Additional Deputy Commissioner, Hisar. On enquiry from the office of Additional Deputy Commissioner, Hisar through the officer of Municipal Corporation, Hisar present during hearing that no election expenditure statement has been filed by Sh. Nihal Singh.

8. After personal hearing the order was announced

9. On perusal of record of the case and after hearing of the candidate, I am satisfied that the above said candidate has failed to lodge an account of election expenditure, within the time and in the manner required by or under this Act. Moreover, above said candidate has submitted no good reason or justification for his failure to submit election expenditure account. Therefore, he deserves to be disqualified. Hence I, Parmal Singh, Assistant State Election Commissioner, Haryana, hereby order that **Sh. Nihal Singh** is disqualified under section 8E of the Haryana Municipal Corporation Act, 1994 for being chosen as, and for being a member of Municipality for a period of five years from the date of this order.

9. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Hisar immediately.

Panchkula :
The 23rd July, 2019.

PARMAL SINGH,
Asstt. State Election Commissioner, Haryana.